Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

CIVIL REVISION NO. - 55 OF 2006

APPLICANTS DEFENDANTS ---- 1](a) Akhatar Mohammad S/o Yaar Mohammad Aged about 29 years,

(b) Afajal Mohammad S/o Yaar Mohammad, Aged about 24 years,

(c) Shamshir Mohammad S/o Yaar Mohammad, Aged about 17 years,

(d) Aksar Mohammad S/o Yaar Mohammad, Aged about 13 years, through- *Bali* court reader First Civil Judge, class-2, Raigarh

(e) Asalam Mohammad S/o Yaar Mohammad, Aged about 11 years, through- *Bali* court reader First Civil Judge, class-2, Raigarh

(f) Widow of Mo. Aafran Yaar Mohammad, Aged about 47 years,

(g) Imaran Begam D/o Yaar Mohammad, Aged about 28 years,

(h) Mo. Ajamer Begam W/o Kadar Khan D/o Yaar Mohammad, R/o Antabeera (Orissa)

(i) Mumtaj Begam W/o Esup Beg, Adarsh Chowk, Raipur

(2) Widow of Mo. Tarabi Anwar Mohammad, R/o Turkapara Raigarh

(3) Heirs of Taskin (a) Sultana Wd/o Taskin Mohammad, Aged about 19 ycars, R/o Turkapara, Ralgarh (M.P.)

P.R. No. 2 dated 20/6/06 Presented by Shri ... dated 27/6/06 S.K. Tiwari

VERSUS

NON-APPLICANT PLAINTIFF ---- Amir Mohammad S/o Peer Mohammad Aged about 55 years, at present R/o Sariya, Tahsil Sarangarh, District- Raigarh

CIVIL REVISION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 55 सन् 200 6

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.04.2006

Shri S.K. Tiwari, learned counsel for the applicants.

Heard on admission.

The applicants/defendants have preferred the instant civil revision against the impugned order dated 14.02.2006 passed by learned First Civil Judge, Class-II, Raigarh in M.J.C.No. 10/05 by which the learned Civil Judge allowing the application under Order 9 Rule 9 of the C.P.C. has restored the civil suit 14-A/93 to its original number.

Learned counsel for the applicants submits that the suit was dismissed by the trial Court on 17.04.1997 on the ground that the adjournment sought by the non-applicant/plaintiff for his non-appearance was not sufficient and he was not prosecuting the his case diligently as he himself was not present on that date. However, learned Civil Judge allowed the application preferred by the non-applicant/plaintiff accepting the same reasons assigned by him for his absence on the date when the suit was dismissed.

I have heard learned counsel for the applicants/defendants.

The learned Civil Judge after hearing the parties and affording the opportunity to adduce the evidence has passed the impugned order by recording a finding that the reasons assigned by the non-applicant/plaintiff for his non-appearance on 17.04.1997 that he could not appear in person on 17.04.1997 because on the next day i.e. 18.04.1997 the festival of Id-Ul-Zuha was scheduled and he was busy in preparation of the festival, were sufficient. From perusal of the impugned order this Court is of the

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आदेश पत्रक

मामला क्रमांक C.R. No. 55/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	opinion that the learned Civil Judge has not committed any illegality or material irregularity in passing the impugned order and no interference is called for in this revision. The instant revision deserves to be dismissed the motion stage itself and it is accordingly dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

Khan

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